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DEPARTMENT OF COMMERCE

INTERNATIONAL TRADE ADMINISTRATION

(A-583-853)

Certain Crystalline Silicon Photovoltaic Products from Taiwan: Antidumping Duty Order

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce

SUMMARY: Based on affirmative final determinations by the Department of Commerce (the “Department”) and the International Trade Commission (the “ITC”), the Department is issuing an antidumping duty (“AD”) order on certain crystalline silicon photovoltaic products (“certain solar products”) from Taiwan.

EFFECTIVE DATE: (Insert date of publication in the Federal Register).

FOR FURTHER INFORMATION CONTACT: Charles Riggle or Magd Zalok AD/CVD Operations, Enforcement and Compliance, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482-0650 or (202) 482-4162.

SUPPLEMENTARY INFORMATION:

Background

In accordance with sections 735(d) and 777(i)(1) of the Tariff Act of 1930, as amended (the “Act”) and 19 CFR 351.210(c), on December 23, 2014, the Department published an affirmative final determination of sales at less than fair value (“LTFV”) in the investigation of certain solar products from Taiwan.¹ On February 5, 2015, the ITC notified the Department of its affirmative determinations that an industry in the United States is materially injured within the

¹ See *Certain Crystalline Silicon Photovoltaic Products: Final Determination of Sales at Less Than Fair Value*, 79 FR 76966 (December 23, 2014).

meaning of section 735(b)(1)(A)(i) of the Act by reason of LTFV imports of certain solar products from the People's Republic of China and Taiwan.²

Scope of the Order

The merchandise covered by this order is crystalline silicon photovoltaic cells, and modules, laminates and/or panels consisting of crystalline silicon photovoltaic cells, whether or not partially or fully assembled into other products, including building integrated materials.

Subject merchandise includes crystalline silicon photovoltaic cells of thickness equal to or greater than 20 micrometers, having a p/n junction formed by any means, whether or not the cell has undergone other processing, including, but not limited to, cleaning, etching, coating, and/or addition of materials (including, but not limited to, metallization and conductor patterns) to collect and forward the electricity that is generated by the cell.

Modules, laminates, and panels produced in a third-country from cells produced in Taiwan are covered by this investigation. However, modules, laminates, and panels produced in Taiwan from cells produced in a third-country are not covered by this investigation.

Excluded from the scope of this investigation are thin film photovoltaic products produced from amorphous silicon (a-Si), cadmium telluride (CdTe), or copper indium gallium selenide (CIGS). Also excluded from the scope of this investigation are crystalline silicon photovoltaic cells, not exceeding 10,000mm² in surface area, that are permanently integrated into a consumer good whose function is other than power generation and that consumes the electricity generated by the integrated crystalline silicon photovoltaic cells. Where more than one cell is permanently integrated into a consumer good, the surface area for purposes of this exclusion shall be the total combined surface area of all cells that are integrated into the consumer good.

² See ITC Notification letter to the Deputy Assistant Secretary for Enforcement and Compliance referencing ITC Investigation Nos. 701-TA-511 and 731-TA-1246-1247 (Final).

Further, also excluded from the scope of this investigation are any products covered by the existing antidumping and countervailing duty orders on crystalline silicon photovoltaic cells, whether or not assembled into modules, from the People's Republic of China ("PRC").³ Also excluded from the scope of this investigation are modules, laminates, and panels produced in the PRC from crystalline silicon photovoltaic cells produced in Taiwan that are covered by an existing proceeding on such modules, laminates, and panels from the PRC.

Merchandise covered by this investigation is currently classified in the Harmonized Tariff Schedule of the United States ("HTSUS") under subheadings 8501.61.0000, 8507.20.8030, 8507.20.8040, 8507.20.8060, 8507.20.8090, 8541.40.6020, 8541.40.6030 and 8501.31.8000. These HTSUS subheadings are provided for convenience and customs purposes; the written description of the scope of this investigation is dispositive.

Antidumping Duty Order

As stated above, on February 5, 2015, in accordance with section 735(d) of the Act, the ITC notified the Department of its final determination in its investigation, in which it found that an industry in the United States is materially injured by reason of imports of certain solar products from Taiwan. Because the ITC determined that imports of certain solar products from Taiwan are materially injuring a U.S. industry, unliquidated entries of such merchandise from Taiwan, entered or withdrawn from warehouse, for consumption are subject to the assessment of antidumping duties.

³ See *Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, From the People's Republic of China: Amended Final Determination of Sales at Less Than Fair Value, and Antidumping Duty Order*, 77 FR 73018 (December 7, 2012); *Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, From the People's Republic of China: Countervailing Duty Order*, 77 FR 73017 (December 7, 2012).

Therefore, in accordance with section 736(a)(1) of the Act, the Department will direct U.S. Customs and Border Protection (“CBP”) to assess, upon further instruction by the Department, antidumping duties equal to the amount by which the normal value of the merchandise exceeds the export price (or constructed export price) of the merchandise, for all relevant entries of certain solar products from Taiwan. These antidumping duties will be assessed on unliquidated entries of certain solar products from Taiwan entered, or withdrawn from warehouse, for consumption on or after July 31, 2014, the date of publication of the preliminary determination,⁴ and which are subject to the scope of this Order, as described above. However, antidumping duties will not be assessed on entries occurring after the expiration of the provisional measures period and before publication of the ITC’s final injury determination as further described below.

Continuation of Suspension of Liquidation

In accordance with section 735(c)(1)(B) of the Act, we will instruct CBP to continue to suspend liquidation on all entries of certain solar products from Taiwan. These instructions suspending liquidation will remain in effect until further notice.

We will also instruct CBP to require cash deposits at rates equal to the estimated weighted-average dumping margins indicated below. Accordingly, effective on the date of publication of the ITC’s final affirmative injury determinations, CBP will require a cash deposit at rates equal to the estimated weighted-average dumping margins listed below.⁵ The relevant all-others rate for Taiwan, applies to all producers or exporters not specifically listed.

⁴ See *Certain Crystalline Silicon Photovoltaic Products From Taiwan: Affirmative Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination*, 79 FR 44395 (July 31, 2014) (“Taiwan Prelim Determination”).

⁵ See section 736(a)(3) of the Act.

Provisional Measures

Section 733(d) of the Act states that instructions issued pursuant to an affirmative preliminary determination may not remain in effect for more than four months except where exporters representing a significant proportion of exports of the subject merchandise request the Department to extend that four-month period to no more than six months. At the request of exporters that account for a significant proportion of certain solar products from Taiwan, we extended the four-month period to no more than six months in this case.⁶ As stated above, in the investigation covering certain solar products from Taiwan, the Department published the preliminary determination on July 31, 2014. Therefore, the six-month period beginning on the date of publication of the preliminary determination ended on January 27, 2015. Furthermore, section 737(b) of the Act states that definitive duties are to begin on the date of publication of the ITC's final injury determination.

Therefore, in accordance with section 733(d) of the Act and our practice, we will instruct CBP to terminate the suspension of liquidation and to liquidate, without regard to antidumping duties, unliquidated entries of certain solar products from Taiwan, entered, or withdrawn from warehouse, for consumption on or after January 27, 2015, the date the provisional measures expired, until and through the day preceding the date of publication of the ITC's final injury determination in the *Federal Register*. Suspension of liquidation resumes on the date of publication of the ITC's final determination in the *Federal Register*.

⁶ See *Taiwan Prelim Determination*, 79 FR at 44396.

Estimated Weighted-Average Dumping Margins

The estimated weighted-average dumping margins are as follows:

| Taiwan | |
|----------------------------|--|
| Exporter or Producer | Estimated Weighted-Average Dumping Margin (percent) |
| Gintech Energy Corporation | 27.55 |
| Motech Industries, Inc. | 11.45 |
| All Others | 19.50 |

Notifications to Interested Parties

This notice constitutes the AD order with respect to certain solar products from Taiwan pursuant to section 736(a) of the Act. Interested parties can find a list of AD orders currently in effect at <http://enforcement.trade.gov/stats/iastats1.html>.

This order is published in accordance with sections 736(a) of the Act and 19 CFR 351.211(b).

Dated: February 10, 2015.

Paul Piquado,
Assistant Secretary
for Enforcement and Compliance.

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